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COMMISSION ON HUMAN RIGHTS

Fifty-fifth session

SUMMARY RECORD OF THE 36th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 15 April 1999, at 6 p.m.

Chairperson	Mr. BAUMANIS (Vice-Chairperson)	(Latvia)
later:	Mr. SIMKHADA (Vice-Chairperson)	(Nepal)

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The meeting was called to order at 6 p m

RIGHTS OF THE CHILD (agenda item 13) (continued) (E/CN 4/1999/69-71 and Add 1, 72-74 and 105; E/CN 4/1999/NGO/42, 45, 49, 70 and 77, A/53/311 and 482, E/CN 4/Sub 2/1998/12)

1. Ms. BU FIGUEROA (Observer for Honduras) said that her Government fully supported the declaration made by the Government of Guatemala on behalf of the Latin American and Caribbean Group. The rights of the child were always given high priority in Honduras, where children accounted for 51 per cent of the population. Instruments which ensured the rights of the child included, inter alia, the Constitution, the Convention on the Rights of the Child and other international instruments, the Code on Children and Adolescents, and the Family Code. Under Honduran legislation, young offenders were not treated as delinquents but were provided with rehabilitation programmes.

2. Hurricane Mitch had aggravated poverty in the country. Many schools were being used to provide shelter for people who had lost their homes, and thousands of children had been affected. The greatest hazards jeopardizing children's development were poverty and environmental degradation. Two thirds of Honduran children lived in extreme poverty, generally in households headed by peasants or unwaged workers. One of the institutions most active in protecting children was the Fundacion Maria, a non-profit organization which provided health care and education for children, including a children's hospital and a science and family museum. International organizations, non-governmental organizations (NGOs) and the Government were cooperating to restore and equip a number of child-care centres.

3. Mr. AHLUWALIA (International Federation of Red Cross and Red Crescent Societies) expressed concern about the effects of conflict on children, large numbers of whom were recruited as child soldiers and suffered enduring physical and psychological trauma, including a loss of moral values. As a result of forced displacements and flight from conflict zones, other children became victims of exploitation and sexual abuse. Because of their disabilities, many were abandoned or denied access to education. Children raised in a culture of violence were more prone later in life to pose social problems. His organization provided psychological and social support to such children and facilitated the reunification of unaccompanied minors with their families.

4. Street children had appeared in almost every country. The term covered numerous situations, including orphans, children abandoned by their families, those affected by violence or poverty, and those forced onto the street by natural disasters and armed conflict. Children living in areas affected by sanctions were in a particularly difficult situation. National Red Cross and Red Crescent societies were increasingly involved in assisting such vulnerable children.

5. The International Red Cross and Red Crescent plan of action concerning children in armed conflict called for a ban on all direct or indirect participation in conflict by children under the age of 18. Many national societies had taken initiatives to appeal to Governments and to the public on behalf of children affected by armed conflict, while others had developed programmes for their practical rehabilitation and reintegration into civilian society.

6. Ms. AQUELINA (Observer for Malta) said that in Malta, which had been one of the first countries to sign the Convention on the Rights of the Child, the welfare authorities had since 1962 been permitted to protect parentless children, a law adopted in 1980 enabled the courts or the authorities to place children under the care of the State in case of need. There was also a juvenile court for children under 16. The Government was considering the establishment of a family commission, whose tasks would include strengthening the family unit, focusing attention on the special needs of children from broken homes, improving fostering and adoption procedures, drafting a new Children's Act and setting up a family court.

7. While supporting the activities of the Working Group on the draft optional protocol on the involvement of children in armed conflict, her Government regretted that no agreement had yet been reached on the protocol. It fully endorsed the proposal to raise to 18 the minimum age of recruitment. Malta also supported the activities of the Working Group on the draft optional protocol on the sale of children, child prostitution and child pornography. Measures to afford more effective protection against such exploitation were clearly needed.

8. U LINN MYAING (Observer for Myanmar) said that an unprecedented number of States had ratified the Convention on the Rights of the Child, and that his Government called on those that had not yet done so to become parties to the Convention. For its part, Myanmar had submitted its report to the Committee on the Rights of the Child, and believed that the best way to ensure children's rights was to work within the framework of the United Nations system. The Government had adopted the Child Law in 1993 and had later established the National Committee on the Rights of the Child to assist in the Law's implementation.

9. Myanmar had taken effective measures to ensure the realization of the right to education, which was one of the most important rights of the child. To give effect to the World Declaration on Education for All, which had been adopted at the World Conference on Education for All, it had established a national programme of action, the objective of which was to provide some primary education to all children by the year 2000. The Ministry of Education had worked closely with UNESCO and UNEP to survey needs, and had as a result improved teacher training institutes, provided easier access to primary education and enhanced the quality of education. It had opened 12 high schools, 41 middle schools and 326 primary schools, and appointed 1,456 teachers, thus allowing children from various ethnic groups to have access to education. The Ministry of Religious Affairs ran over 1,500 monastic schools, which provided elementary education to some 93,000 children. Government spending on education had quadrupled in 10 years. Despite the difficulties it faced as a developing country with a transition economy, Myanmar was fully committed to promoting and protecting the rights of children.

10. Mr. MANSOUR (Observer for the Islamic Republic of Iran) said that large numbers of children were exploited for sexual tourism for child labour or in armed conflict, and that the perpetrators of such child abuse should not enjoy impunity. Clearly, children deprived of their own rights would not be able to respect human rights in the future. Ensuring the rights of the child required both a revival of local values, morals and community structures, and complementary legal frameworks to combat child abuse and exploitation.

11. His Government regretted that the international community had not yet been able to conclude the drafting of the two optional protocols to the Convention on the Rights of the Child.

It supported the movement to raise the existing legal age limit for participation in hostilities, but considered that some flexibility would be advisable when distinguishing between recruitment and career military training, and between direct and indirect involvement in hostilities. The optional protocol should take into consideration States' national security requirements, so as to ensure that it would be ratified by as many countries as possible. The draft optional protocol on the sale of children, child prostitution and child pornography met an urgent need, as there was a dearth of national and international legal standards and there had been an alarming increase in trafficking in and exploitation of children.

12. Mr. HELLE (International Committee of the Red Cross) said that the international Red Cross and Red Crescent movement had adopted a plan of action to develop activities on behalf of children affected by armed conflicts, which focused on preventing the use of children as soldiers and on the psychological rehabilitation of children who were victims of armed conflict. ICRC assisted children through general relief and health activities, by restoring and maintaining contact between separated family members and by interceding with the parties to armed conflict to urge them to respect humanitarian law. It also identified and registered unaccompanied children, reunited families, supported educational activities and helped ensure that detained children were treated in accordance with the special protection due to them under humanitarian law.

13. The adoption of an optional protocol addressing the recruitment and participation of children in hostilities merited support, and it was regrettable that no consensus had so far been reached on a text. The instrument should prohibit both voluntary and compulsory recruitment and participation in armed conflicts by children under 18. Most importantly, it should apply to all parties, including non-governmental armed groups. Experience had shown that there must be equal legal obligations on both sides if rules of international law were to be respected. As the protocol relating to armed conflict, it should adopt the logic of humanitarian law.

14. There was a real need to implement existing standards as well. Children under 15 were taking part in hostilities. The establishment of the International Criminal Court would help ensure that they did not do so in the future. Children at risk should be provided with alternative sources of income, occupations, stability and social respect.

15. Mr. BERTELLO (Observer for the Holy See) said that the sexual exploitation of children for profit was acknowledged as a serious crime, which deprived young beings of their most essential trait - their innocence. The adoption of an optional protocol would be primarily an appropriate response to the need for clarity and justice for the victims, but it would also serve as a symbol of solidarity and sympathy, an ethical impetus reminding society that it had to protect fragile and vulnerable beings in every way possible.

16. Tens of thousands of children were being used throughout the world as soldiers, in countries where political and social structures had been destroyed by internal conflicts. Children abandoned or orphaned in such circumstances were easy to recruit. While some were forcibly enrolled, others "volunteered" because they sought protection, food or a better future. Such children faced a tragic fate, as they were deprived of a place to seek refuge and bereft of affection and a normal childhood. The Holy See considered the adoption of the optional

protocol to be an urgent requirement. All participants in the working groups on the two optional protocols should show flexibility and a willingness to compromise so as to finalize the texts and ensure that they were adopted by consensus.

17. Mr. ACEMAH (Observer for Uganda) said that for 12 years innocent children had been abducted, tortured, detained, enslaved, mutilated and killed by the Lord's Resistance Army (LRA) in the north of his country. Some 10,000, most of whom were between 14 and 16 but some as young as eight, had been seized in that way. The boys had been forced to become soldiers and many of the girls had been coerced into marriage. According to a recent report, the notorious international terrorist, Osama bin Laden, was buying child slaves from the LRA in exchange for assault rifles and using the children to farm marijuana in the Sudan in order to fund his activities.

18. The Government of the Sudan bore full responsibility for the abductions. In April 1999 the chief spokesman of the LRA had resigned, citing among his reasons that they had been used as a tool by the Sudanese Government. That Government must not content itself with declarations that it was fully cooperating, in full transparency, with the UNICEF representative in Khartoum. It must match its words with deeds. The abductions were a horrendous and grotesque violation of the rights of the child, and an affront to all men and women of good will. He hoped the Commission would once again give its full support to a resolution to be submitted by his and other delegations on the subject.

19. Mr. NAVIKAS (Observer for Lithuania) said that his Government, having ratified the Convention on the Rights of the Child in 1995, had adopted the Law on the Fundamentals of Protection of the Rights of the Child the following year. A Council for Children's Affairs had also been established under the jurisdiction of the President's Office. It comprised 10 NGO members and six representatives of State institutions. In addition, the Government had adopted and provided financial support for a number of programmes addressing juvenile delinquency, nutritional assistance for children from needy families, the prevention of the commercial and sexual exploitation of children, and drug abuse. His Government worked hand in hand with about 100 NGOs and foundations in drafting new laws and formulating new programmes to defend children's rights. Education was provided to a large proportion of children with mental disabilities, and families with disabled children enjoyed certain privileges, such as the provision free of charge of prescription drugs, prostheses and other equipment.

20. Ms. CASSAM (United Nations Educational, Scientific and Cultural Organization) said that the explosion of the trade in pornographic images of children on the World Wide Web had prompted UNESCO, in January 1999, to convene a two-day meeting of experts on sexual abuse of children, child pornography and paedophilia on the Internet. Some 300 Internet specialists, Internet service providers, specialists in child care and officials of 40 countries, 75 NGOs, the International Labour Organization, the World Tourism Organization and Interpol had taken part. According to Japanese child protection agencies, of the 1,200 to 1,300 pornographic sites in Japan, over half showed sexual acts involving minors.

21. The Director-General of UNESCO had declared that the development of paedophilia on the Internet constituted a cybercrime, and that a global electronic watchdog was required to combat the on-line abuse of children exploited sexually and commercially by adults. As Internet

use grew, so did the risks that came with it. Child protection on the Internet was not a matter of censorship. The fight against the on-line criminal abuse of children required a broad coalition of forces, involving industry, policy-makers, educators, parents, law enforcement agencies and parliamentarians.

22. During the Commission's current session, optimistic views had been expressed about the possibilities offered by the Internet in the field of human rights, and in particular in the struggle against racism and xenophobia. It should be remembered that the Internet had been responsible for a million-fold increase in the free flow of pornographic images of children. A vast amount of money was being made by the purveyors of such images.

23. Mr. VAN DER WAL (Observer for Australia) welcomed the almost universal ratification of the Convention on the Rights of the Child, and called upon the few States that had not already ratified that instrument to do so. The Convention was an extremely important step forward, but much remained to be done, particularly with regard to implementation. Advances in information technology had facilitated access to child pornography, and children were increasingly affected by armed conflict.

24. His Government was disappointed with the slow pace of the negotiations aimed at the adoption of the two optional protocols to the Convention on the Rights of the Child, addressing, (a) the sale of children, child prostitution and child pornography, and (b) children in armed conflict. The Government had drawn up a national plan of action against commercial sexual exploitation, and had taken legislative measures to combat sexual exploitation, sexual tourism and trafficking in children. International efforts could improve the way in which such problems were tackled. The Government had concluded memoranda of understanding with the Governments of Fiji and the Philippines, and supported regional efforts, such as seminars and activities conducted by NGOs in developing countries. It had also continued to assist in the rehabilitation of children traumatized by their engagement as soldiers in armed conflict, for example by contributing to NGOs and United Nations agencies working in the wake of war. Australia supported mine clearance and physical rehabilitation programmes, and had been one of the original States parties to the Ottawa treaty which banned landmines.

25. Ms. TOMIC (Observer for Slovenia) expressed concern about the effects of modern-day conflicts on children, and in particular about the plight of those children who were brutally forced to leave their homes in Kosovo because of their ethnic origin. Her Government strongly supported the adoption of an optional protocol establishing the minimum age of 18 for direct or indirect participation in armed conflict, and hoped for the speedy entry into force of the Statute of the International Criminal Court, which would have many implications for children caught up in armed conflict. It was regrettable that the Statute's criminalization of recruitment of children did not cover those between the ages of 15 and 18. Because persons under 18 were excluded from the Court's jurisdiction, there was the possibility that children between 15 and 18 would be purposefully implicated in crimes punishable under the Statute, as a way of exploiting their impunity.

26. Mr. VIGNY (Observer for Switzerland) said that children were being recruited for armed combat by government and opposition forces in a number of countries, and called for new, more

stringent standards to be adopted. It was to be hoped that the States which were not in a position to accept the age limit of 18 for recruitment and participation in hostilities would not block the adoption of an optional protocol by those which wished to do so.

27. The Secretary-General's Special Representative on the impact of armed conflict on children who had recently visited countries affected by the problem of child recruitment, was playing a very important role in mobilizing the international community. The participation of children in armed conflict could be considered one of the worst forms of child labour. An explicit reference should be made to the problem in the proposed Convention on the worst forms of child labour, which was due to be adopted by ILO in the summer of 1999.

28. The lack of progress in drafting an optional protocol concerning the sale of children, child prostitution and child pornography was disappointing. It was difficult to arrive at a consensus on the scope of the new instrument, and especially on the definition of the sale of children. In many countries, the rights of child offenders were not respected. Special laws, procedures and institutions were required to deal with such children. States should observe the international instruments which set standards for the treatment of children and young persons who were in conflict with the law.

29. Ms. SANCHEZ REYES (Observer for Nicaragua) fully supported the statement made by the delegation of Guatemala on behalf of the Latin American and Caribbean Group. Hurricane Mitch had ravaged rural parts of Nicaragua, destroying crops, affecting health, and leaving women and children without access to basic services. The Government had taken numerous steps to help children affected by the hurricane, including the implementation of a project to assist in their psychological rehabilitation and to control childhood diseases. The Ministry of Education had initiated a remedial education plan for schoolchildren who had been unable to finish the academic year because of the hurricane.

30. The Code on Children and Adolescents, which had recently entered into force, represented a legal landmark in the country's development, as it set out the rights, freedoms, guarantees and duties of children and adolescents and established a specific criminal system for adolescents, in conformity with articles 39 and 40 of the Convention on the Rights of the Child. The Government was working to implement the Code, although it faced many difficulties owing to a lack of human and financial resources with which to establish centres for young offenders and to train judges. Nicaragua had adopted a national plan of action against child labour, and was working closely with ILO's International Programme on the Elimination of Child Labour (IPEC) and with UNICEF to raise awareness and combat the problem.

31. Ms. DORKENOO (World Health Organization) said that female genital mutilation was an unsafe and unjustifiable traditional practice affecting some 130 million girls and women throughout the world, and that 2 million more were at risk every year. Mutilation reinforced the inequity suffered by girls in their communities. It was generally performed on newborns, girls of about seven years of age or adolescents, and was done without anaesthesia, using crude instruments such as razors, scissors or pieces of glass. The children often reacted in panic and shock from extreme pain. Some bit through their tongues or had convulsions. It could take up to six adults to hold down a seven-year-old girl, who could suffer bone fractures or even death.

32. Female genital mutilation was comparable to torture, and the Convention on the Rights of the Child stated that children should not be subjected to torture or cruel, inhuman or degrading treatment. It also required States to take measures to abolish traditional practices prejudicial to the health of children, yet a number of States had reneged on their commitments to eliminate female genital mutilation. The only way of dealing with harmful traditional practices was to promote awareness by educating the public, health workers and those who carried them out. Professionals, development workers, local community leaders, women's groups and political leaders should all take part in that effort.

33. Ms. CASATI (Observer for Paraguay) expressed support for the statement made by the Guatemalan delegation on behalf of the Latin American and Caribbean Group, and called upon the States parties to the Convention on the Rights of the Child to adopt an optional protocol prohibiting the sale of children as quickly as possible. The protection of children was a task that required the cooperative participation of everyone in society. Projects to defend children's rights in Paraguay therefore involved many ministries, NGOs and donor countries, as well as representatives of civil society and the media. The Government had adopted a National Plan of Action for Children aimed at reducing mother and child mortality, combating malnutrition, promoting access to drinking water and improving education, with bilingual programmes in Guarani and Spanish.

34. Children in developing countries were increasingly being forced to work to supplement their families' incomes, which were insufficient. In Paraguay, the Government had taken measures to educate and assist children working in the street and to provide alternative sources of income for their families. In June 1998, Paraguay had joined ILO's IPEC programme for the elimination of child labour.

35. Ms. RAHAMIMOFF (Observer for Israel) said that it was very important to provide proper education for children. In Israel, 22 per cent of children lived in poverty, and although the law stipulated that education was mandatory and free, certain school activities required payment so that some children were excluded. On the other hand, the Israeli judiciary had an increasing awareness of children's rights, and judicial decisions referred increasingly to the Convention on the Rights of the Child. The law had also been improved so as to provide harsher penalties for sexual offences against minors, and social programmes had been set up to deal with child abuse, violence in the family, the family court system, health care, the treatment of minors in detention and child labour.

36. NGOs too played an active role in promoting and protecting children's rights. For example, the National Council for the Welfare of the Child, an independent NGO, had introduced a new project called the "Children's Rights Mobile Unit", which travelled around the country presenting movies, music and drama in Arabic and Hebrew to third and fourth-grade children on the subjects of children's rights, violations of their rights and the need to respect the rights of others.

37. Ms. RUIZ DE ANGULO (Observer for Costa Rica) expressed support for the statement made on behalf of the Latin American and Caribbean Group by the delegation of Guatemala and for the points raised by the representative of UNESCO on the need for immediate measures to combat the use of the Internet for the dissemination of pornographic images of children. She

called for the rapid conclusion of the two optional protocols to the Convention on the Rights of the Child. Costa Rica had always based its social policy on the well-being of its children. Immediately after it had ratified the Convention on the Rights of the Child, her Government had set about drafting a Children's and Young People's Code to meet its treaty obligations; the Code paid particular attention to the problem of child prostitution. In 1997 a national working committee had been established to combat sexual exploitation of children, and the legislature was working on a bill to impose harsher sanctions for such offences. As was often the case with countries which had limited means, Costa Rica required international assistance in the form of resources and experts. The help of the international community could be decisive.

38. Ms. MILLER (United Nations Children's Fund) said that the fulfilment of children's rights was both essential to, and a measure of, all human progress, not only because it was a moral imperative but because it provided the key to social progress, economic prosperity, political stability and the enjoyment of peace in every society. The consideration of children's rights under each agenda item at the Commission's current session was an important contribution to the promotion of a holistic approach, whereby the rights of the child were brought into the mainstream of human rights considerations. The Commission should continue that practice at future sessions.

39. In some 50 regions of the world affected by armed conflict, children and women were dying or were forced to flee for their lives, bearing the physical and psychological effects of atrocities, which should be unimaginable at the current stage of human history. Over 300,000 children had taken part in hostilities. Many had been recruited, others had been abducted. UNICEF had proposed a peace and security agenda for children which would ban the use of child soldiers under the age of 18, make children a priority in all peace-making efforts, empower the International Criminal Court to fight impunity for those who committed war crimes against children, support mine awareness campaigns, protect children from the effects of sanctions, and afford protection to humanitarian assistance and the personnel delivering it.

40. Consideration of the rights of the child should form an important part of the review of progress of the major United Nations human rights conferences of the 1990s. In 2001, there should be a review of progress for children with a view to formulating a new agenda for the twenty-first century. Achieving the vision embodied in the Convention on the Rights of the Child would require an all-embracing mobilization of families, communities, NGOs, religious groups and children themselves for the sake of all children and of generations of children to come.

41. Mr. ANOSHKO (Observer for Belarus) said that the protection of children was mandated in the Constitution of Belarus and had been the subject of the 1993 Rights of the Child Act, which was itself largely based on the Convention. A number of measures had been taken to guarantee those rights, including the adoption of a national plan of action for the defence of the rights of the child for 1995-2000 and the creation in 1996 of a national commission on the rights of the child, which was responsible, inter alia, for coordinating the activities of ministries and government departments, drawing up programmes in support of children's rights, and disseminating information on the provisions of the Convention and the Act.

42. Since 1995, a special course on the rights of the child had been taught at all educational establishments. In 1998 a presidential programme had been adopted entitled "Children of Belarus", under which various forms of assistance were provided for children affected by the Chernobyl accident, for disabled children and for orphans, and additional support was extended for social services and for the development of the baby food industry. Despite those efforts, the country still faced certain problems, including a rising juvenile crime rate, which could in part be attributed to unemployment. The number of separated families had risen and there had been a general disintegration of moral values. One way to deal with that problem would be by offering special support for children, and first and foremost for those who had social difficulties or who were in trouble, for example by providing psychological and social services in schools.

43. Mr. LHUNDUP (International Union of Socialist Youth) said that the rights of the child were regularly violated in Tibet, thus leaving a majority of Tibetan children illiterate after more than four decades of Chinese rule. Each year, hundreds of Tibetans who wished to have their children educated in their culture, religion and natural history were forced to send them into exile. Many of the children would never see their parents again, and some died during the dangerous journey over the Himalayas.

44. The world's youngest prisoner of conscience, Gedhun Choekyi Nyima, the Panchen Lama and the second highest spiritual leader of the Tibetan people, had disappeared in May 1995 at the age of six, and it was not until a year later that China had conceded that he was in custody. He was still being held incommunicado, and his whereabouts were kept secret. Because of their deep anxiety about the well-being of the boy, he and others had for 11 days been on an indefinite hunger strike, and had been holding a demonstration at the Place des Nations in Geneva. One of their demands was for China to permit a delegation of the United Nations Committee on the Rights of the Child to visit the young Panchen Lama and his parents. He would have no regrets if he died from the hunger strike. The campaign in Geneva was one of the few non-violent means with which the Tibetan people could alert the world to their plight.

45. Mr. LITTMAN (Association for World Education) said that for every 100,000 children born, at least 200 were handicapped, of whom about half were mentally handicapped. If war was dramatic for adults, it was horrible for children, and especially the most vulnerable of all children, the handicapped, who had special needs. Mentally handicapped children required an atmosphere of security and order, where people and events could be understood in a highly structured way and with few unexpected events. Many armed conflicts were taking place in very poor countries, which even in peacetime had little infrastructure for the disabled. In times of armed conflict, medical facilities closed, families were divided and schools and institutions were destroyed, while at the same time new traumas caused long-lasting scars and increased the number of handicapped children and adults. He himself knew from personal experience that a seemingly unimportant thing such as a stammer or stutter could be a nightmare, encaging a child in silence. It was time to respect the rights of all children, including those with handicaps, in war and in peace. All children should become a vital organ in a growing social organism, to be protected at all times.

46. Ms. TASCA (Christian Solidarity International (CSI)) said that the children of the Sudan had suffered most from the 16 years of war. Many had known nothing but constant displacement and fear of attack. Thousands had been taken as slaves. In the past three months, CSI had

redeemed from bondage in northern Sudan some 3,000 black African slaves, the overwhelming majority of whom were children. However, the Sudan's armed forces had recently launched an attack on the village of Akoc Payam, and had abducted 869 more young women and children. CSI's President had once again appealed to the United Nations Secretary-General and the High Commissioner for Human Rights to begin an investigation into child slavery in that country. Slavery was recognized as a crime against humanity and was punishable under the Convention on the Prevention and Punishment of the Crime of Genocide.

47. The Preamble to the Convention on the Rights of the Child called for the family to be protected and assisted. The fate of thousands of children in southern Sudan revealed a marked failure by the international community and the Sudanese Government to safeguard the family unit. The Commission, the High Commissioner for Human Rights and UNICEF should establish a slave and abducted youth tracing service to locate children taken to northern Sudan and return them to their homes and families in the south.

48. Ms. PARES PUNTAS (Pax Romana) said the draft optional protocol on the sale of children, child prostitution and child pornography should define the sale of children in the terms used by the Special Rapporteurs on the sale of children, meaning the "transfer of a child from one party ... to another, for whatever purpose, in exchange for financial or other reward or compensation". It would be against all principles of human rights to define the sale of children solely in terms of sexual exploitation. Destitute women in poor countries became pregnant, had babies and made them available for adoption in exchange for money, a practice condemned by the Hague Convention on intercountry adoption. The optional protocol too should prohibit such sales.

49. The draft optional protocol on the involvement of children in armed conflict should raise the age of compulsory or voluntary recruitment from 15 to 18 years, so as to bring it into line with the Convention on the Rights of the Child, with the ILO Minimum Age Convention (No. 138), and with the policy of the United Nations, which had set the minimum age of peacekeepers at 18. It was to be hoped that States that did not yet accept the 18-year age limit, including the United States, which had yet to ratify the Convention itself, would not prevent the adoption of the protocol by others. The protocol should apply to both compulsory and voluntary enrolment and should not distinguish between direct and indirect participation. Given the optional nature of the protocol, no reservations should be permitted.

50. Mr. Simkhada (Nepal), Vice-Chairperson, took the Chair.

51. Ms. WESCHLER (Human Rights Watch) said that the violence inflicted on children throughout the world had resulted in physical injury, psychological trauma and even death. Despite the growing recognition of children's rights and the nearly universal ratification of the Convention on the Rights of the Child, street children and children in correctional or other institutions and in schools were all too often subjected to arbitrary detention, beatings and abuse, while the perpetrators enjoyed impunity. When such acts were revealed, they were generally treated as isolated incidents, but the phenomenon was global in nature and was not adequately addressed by current mechanisms. Those responsible for protecting children from such violence were very often the perpetrators themselves.

52. The Commission should appoint a special rapporteur on violence against children to work with the Committee on the Rights of the Child and other United Nations bodies in order to monitor adherence to the international instruments which protected children from violence, investigate abuses and make recommendations on how to improve protection in practice. There were many subjects of concern which could be covered, including corporal punishment, the use of the death penalty against minors, and the failure by Governments to prevent violence in the home. The Special Rapporteur could conduct on-site visits, investigate complaints, report to and advise Governments on ways to avoid violence, promote an exchange of information and draw attention to serious problems involving violence against children.

53. Ms. MELO (World Organization against Torture) said that children continued to be victims of ill-treatment, torture, arbitrary detention, enforced disappearances and extrajudicial executions. Violence took many forms. In Kyrgyzstan, the most common violation of children's rights consisted of interrogations conducted without the presence of parents, guardians or counsel. In South America, street children continued to be subjected to grave abuse. For example, in Guatemala several street children had recently become victims of arbitrary detention, sexual violence and murder. In Brazil, six children and two young adults had been killed in 1993 by members of the Military Police in an incident known as the Candelaria massacre. Although three policemen had been convicted, no compensation had been paid.

54. The Convention on the Rights of the Child provided no procedure for making international claims when a child's rights were violated. In addition, there was no way for third parties to submit communications to the other treaty bodies, such as the Human Rights Committee or the Committee against Torture, as they required proof that the representative who filed the complaint was acting on behalf of the alleged victim.

55. In the case of street children and deprived or poor children, the victims had often lost their ties with their families or were in no position to pay for legal counsel. One of the victims of the Candelaria massacre had been buried under his nickname, "Little Skunk", as his family and name were both unknown. If Brazil had accepted the individual petition system of the United Nations human rights treaties, no one would have been able to present his case in order to hold the Government to account. Her organization concurred with Human Rights Watch that the Commission should appoint a special rapporteur on the question of violence against children.

56. Ms. BLOEM (World Federation of Methodist and Uniting Church Women) expressed concern about the situation of girls, who faced discrimination throughout their lives. In many countries, cultural attitudes promoted son preference, the use of sex selection technologies, female infanticide, female genital mutilation, sexual abuse and servitude, all of which denied girls their most basic human rights. Many adolescent girls had no access to information and services to protect their health and help them make responsible reproductive choices, and were therefore vulnerable to unwanted pregnancies, sexual violence and infection with sexually transmitted diseases, including HIV/AIDS.

57. All violence and human rights abuses against girls conflicted with primary education. The lack of economic incentives to invest in a girl's education was another factor which denied them access to schooling. When, in 1998, adolescent girls had taken part in a session of the Commission on the Status of Women, they had all shared one important concern: teenage

pregnancy and the stigma, poverty, isolation and death associated with it. They had also testified that many societies and Governments neglected the needs and rights of adolescent girls.

58. The status of girls at work was not easy to define, as data on child labour did not tend to be disaggregated by sex. However, by extrapolation it could be considered that child domestic service, child prostitution, child work on family farms and subcontracted family-based wage work would generally involve the work of girls, which was thus very often hidden, uncounted, unpaid and unseen. All activity that interfered with access to schooling must be considered one of the "worst forms of child labour" and must be covered by the new Convention which the ILO was planning to adopt in June 1999.

59. Ms. MORAN (American Association of Jurists) expressed concern about the sale of children. Over 100 sites on the Internet, most of which were in the United States, offered children for adoption against payment of a fee. In Italy, where trafficking in body parts of Albanian children had been alleged, a human heart could reportedly be purchased for 150,000 Euros. An advertisement had been placed in an Argentine newspaper thanking two companies and their managements for providing a kidney transplant in Curitiba (Brazil) in just a few months, while the waiting list for such a transplant would otherwise have extended to seven years.

60. In the Working Group on the draft optional protocol on the sale of children, child prostitution and child pornography, the rich countries, which presented themselves as the champions of human rights, were trying to deprive the protocol of all substance. They were opposing the instrument's coverage of organ trafficking, and calling for the definition of the little substance that remained in the protocol to be left to national legislation. The Working Group's mandate was clearly meant to cover the sale of children for any purpose. The protocol should contain precise definitions covering the various types of criminal and associated activities. A list of proposed definitions for certain terms was included in her organization's written statement. The instrument should refer to activities "with a sexual connotation so as to ensure that offences covered would include those which certain national legislations qualified simply as "improper acts", without considering them as sexual acts. Similarly, the concept of "sale" should extend to "trade" or "trafficking". Those countries which tended to confuse the best interests of the child with the best interests of the rich should stop blocking the adoption of an instrument which could help halt the brutal exploitation of children throughout the world.

61. Ms. WALTER (International Federation Terre des Hommes) said that a recent study by Terre des Hommes-Netherlands had shown that certain vulnerable groups accounted for a large proportion of the victims of the worst forms of child labour. Children from ethnic minorities, tribal groups, migrant populations, refugee children, low social castes and outcasts were especially at risk. In India, some 200,000 girls and young women from Nepal were working as prostitutes, lured into their situation by false promises and confronting terrible abuses. Foreigners were more easily abused, as they did not speak the local language and were deprived of family support and care. The Akha hill tribe in northern Thailand provided another example of a marginalized group. Akha people were regarded as illegal immigrants, and since they were deprived of official registration papers, they had no land rights or rights to public services. Their access to education and health care was very restricted, and their children were increasingly being forced into prostitution or work in illegal factories.

62. The Coalition to Stop the Use of Child Soldiers had noted in a leaflet that the overwhelming majority of child soldiers had had a disrupted family background, were economically and socially deprived, were from marginalized groups or lived in conflict zones. Clearly, violations of human rights tended to beset certain groups of children. Any attempt to rid the world of the worst forms of child labour should not only combat the causes of exploitation, but also address the factors that increased the vulnerability of those groups.

63. Ms. SAYEGH (World Movement of Mothers) said that the Commission had before it reports which described inhuman treatment, massacres, imprisonment, disappearances and the destruction of infrastructures by bombing which killed thousands of innocent civilians, including many children. Millions of children were victims of poverty, hunger, armed conflict, injustice, violence and cruel repression, including economic sanctions and bombardment. Her organization believed life was too valuable to tolerate such acts. The international community must provide better protection for children, for example by helping their countries to ensure their rights and instilling human values and a sense of respect and responsibility. The Commission must promote a culture of peace in which consideration could be given to the special vulnerability of children, particularly those suffering for many years because of economic sanctions and bombing. The violation of their human rights must be halted, and peace and social justice must be promoted throughout the world.

64. Ms. BELLAMY (International Confederation of Free Trade Unions) said her organization, which represented some 124 million members, would increasingly make its voice heard to denounce child labour and the worst forms of economic exploitation of children. The world economic crisis was worsening, and as a result trade union rights were deteriorating in some countries, while child labour became more prevalent in others. The expansion of child labour in the countries most affected by the crisis was an increasing cause for alarm. Globalization was yet another obstacle to the struggle against child labour, as it was currently devoid of any social dimension.

65. The use of child labour in its worst forms sacrificed children's education, compromised their health, stunted their development and jeopardized their psychological balance. In the past 18 years, some 50,000 children had been rescued from slavery by an NGO based in New Delhi. When would the Indian Government, which maintained that it intended to combat slavery, finally convert words into action? Extreme poverty was one factor that must be taken into consideration when combating child labour. Poverty should not, however, serve as a pretext for making children work while thousands of adults were forced into unemployment. In June 1999, the International Labour Conference would adopt new standards covering the worst forms of child labour, with the aim of bringing to an immediate end the intolerable exploitation of children in dangerous jobs and conditions akin to slavery. The new ILO Convention would call for penal sanctions, preventive and rehabilitation measures, and cooperation and assistance among States to ensure that all children were protected, regardless of the level of development of the country in which they lived.

66. Ms. WALTON (International Educational Development, Inc.), speaking also on behalf of the International Forum for Accessible Science, the International Long Term Survivors Network for people living with a positive HIV test result, Continuum, Heal United, Action Positive Switzerland and African Community 2000, said that inadequate and biased HIV/AIDS science

could be particularly dangerous for children. WHO, UNICEF and the joint United Nations Programme on HIV/AIDS (UNAIDS) were discouraging women considered to be carriers of HIV from breastfeeding so as to reduce the chance of transmission to their babies. In the United States, the authorities had attempted to force a woman diagnosed as HIV-positive to feed her child infant formula. There was a lack of scientific data supporting the premise that breastfeeding in such circumstances could be prejudicial to the child. It was, however, acknowledged that children who were given formula were at greater risk of disease.

67. Out of fear of HIV, not only were children deprived of breastfeeding - their main potential source of nutrition and immunity, they were also given highly toxic, cell-killing experimental drugs such as AZT, on the basis of inadequate and biased HIV models. The use of such treatments was justified by a United States trial of AZT, which had been conducted on a small scale in Thailand. That test had not been replicated and included certain false claims. Children reacted to drugs differently from adults, and newborn babies in particular were much more susceptible to toxic effects because their kidneys and livers were not developed. The international community should re-evaluate current policies on HIV/AIDS and infant feeding.

68. Ms. BRETT (Friends World Committee for Consultation (Quakers)), speaking also on behalf of Amnesty International, endorsed the statement recently made by the Executive Director of UNICEF to the United Nations Security Council to the effect that the ruthless exploitation of children as soldiers would continue until the minimum age of recruitment was universally set at 18. The Coalition to Stop the Use of Child Soldiers had produced a new version of the draft optional protocol to the Convention on the Rights of the Child (E/CN.4/1999/WG.13/2) as an alternative to the texts drawn up by the Working Group of the Commission. It provided for a complete ban on any compulsory or voluntary recruitment of or participation by children under 18 in government armed forces and in armed groups, and for the obligation of States to take all feasible measures to prevent such activities. It also obliged States parties to criminalize the recruitment or use in hostilities of children under 18. The Coalition urged Governments and others to give serious attention to that draft. Involvement of children in armed conflict not only exposed them to the danger of death or injury, but also violated many other rights of the child. Furthermore, as the High Commissioner for Human Rights had said in her opening statement to the Commission, it was very difficult to create a lasting peace in States where children had become combatants.

69. Ms. LAFTMAN (International Save the Children Alliance) said that approximately 300,000 child soldiers were currently fighting in 36 conflicts around the world. In 1998, children had continued to be enlisted and used as combatants in Colombia, the Democratic Republic of the Congo, the Sudan, Sierra Leone and Sri Lanka. The legal standards governing the recruitment and use of children in hostilities were inadequate in affording them protection, and there was an urgent need for a clear, unequivocal international norm. No child under 18 should be recruited into the armed forces or be able to take part in hostilities. The optional protocol to the Convention on the Rights of the Child should raise the minimum age from 15 to 18 years.

70. The Commission should extend the mandate of the Chair of the Working Group on the optional protocol so that broad informal consultations could continue for another year. The adoption of the Statute of the International Criminal Court was a major step forward, as it

established individual criminal responsibility for the recruitment or use in hostilities of children under 15 in international and non-international conflicts. All States should ratify the Statute as soon as possible. The Commission should call on all States to set the minimum age for all forms of recruitment and participation in hostilities at 18 years.

71. Ms. PASCAL (Defence for Children International), speaking on behalf of 23 associated organizations, supported the position of the Special Rapporteur on the sale of children, child prostitution and child pornography when she referred to the need for the optional protocol to include definitions that were sufficiently broad to ensure universal acceptance. It made sense to separate the definitions from the more specific description of the activities penalized. The fact that the definitions were broad could make possible the consensus which the instrument would require to ensure its implementation. Without such a consensus, it could be burdened by reservations or a lack of ratifications.

72. The Committee on the Rights of the Child and the two Special Rapporteurs had stated that the age of consent should be immaterial when considering child protection issues, as the optional protocol should afford protection to any person under 18, while the age of consent could be lower. There should be no confusion between the concepts of sexual relations and sexual exploitation. Both the Ad Hoc Committee for the Elaboration of a Convention against Transnational Organized Crime, in its deliberations concerning trafficking in women and children, and the proposed ILO Convention on the worst forms of child labour would extend protection to persons under 18, and the protocol should follow suit. During discussions on pornography, concern was regularly expressed about the protection of the right to freedom of expression. The optional protocol should make it clear that there was no hierarchy of rights, and that whenever one right conflicted with another the compromise must not be exclusively to the detriment of one of them, especially when the rights of the child were concerned. Finally, more coordination was necessary between the work in Vienna on international trafficking issues and the drafting of human rights instruments in Geneva. The two types of instruments should be complementary and avoid duplication.

The meeting rose at 9 p.m.